

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17143 of 2020

S.SELVARAJ

... Petitioner

Vs.

State by

The Inspector of Police,
R-3 Madukarai Police Station,
Coimbatore District.
[Crime No.1819 of 2020]

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner/Al on bail in the event of his arrest pending investigation in Crime No.1819/2020 on the file of the respondent police.

For Petitioner : Mr.N.Elayaraja

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 427 and 506(ii) of IPC, in Crime No.1819 of 2020, on the file of the respondent, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz., SB Karthik is that the petitioner has abused and intimidated the defacto complainant and has caused damage to the trees, worth of Rs.1,00,000/- belonging to the Sri Ramachandra Mission Ashram by using JCB vehicle. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is having a godown near the compound of the defacto complainant's Ashram and that to reach his godown the petitioner had to use the panchayat road outside the compound of the Ashram. He would further submit that the trees of the Ashram were protruding outside and blocking the road. Despite the requests made by the petitioner to clear the branches, the de facto complainant did not take any steps and thereby, the petitioner attempted to remove the branches by using JCB. Since the soil was loose certain trees have fallen down, whereas a false complaint has been given as if the petitioner has caused

damages to the trees. He would further submit that they have exaggerated and a complaint has been given as if the trees worth Rs.1,00,000/- have been damaged. As per the instructions of the petitioner the value of the trees damaged is worth approximately Rs.25,000/- and the petitioner, without prejudice to his contention and defence, is prepared to deposit an amount of Rs.25,000/- to the credit of Crime No.1819 of 2020 and the petitioner has no objection in the amount of Rs.25,000/- is being released and used by the de facto complainant for planting new trees inside their compound and thereby, he would seek for Anticipatory Bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has abused and intimidated the defacto complainant and had caused damage to the trees, which were under the fence of the defacto complainant viz., Sri Ramachandra Mission Ashram, worth of Rs.1,00,000/-. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and considering the voluntary submission made by the petitioner that he is prepared to pay an amount Rs.25,000/- to the credit of Crime No.1819 of 2020, and that he has no objection in the amount being used by the defacto complainant for planting trees, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.1819 of 2020 on such deposit, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned District Munsif Cum Judicial Magistrate, Madukarai, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the learned Magistrate is directed to release the above said amount of Rs.25,000/- (Rupees Twenty Five Thousand only) lying in the credit of Crime No.1819 of 2020 on proper identification and proof to the defacto complainant for the purpose of planting new trees inside their compound.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

03/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MADUKARAI

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R3-MADUKARAI POLICE STATION,
COIMBATORE DISTRICT.

CC to M/S. N.ELAYARAJA Advocate on payment of necessary charges
SR.7220

CRL OP.17143/2020

Date :03/11/2020

RVR 19/11/2020